



Docket No.: M3477.0000/P010
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Rodney L. Clark, et al.

Confirmation No. 3839

#19
N.L.H.
81302

Application No.: 09/347,427

Group Art Unit: 1732

Filed: July 6, 1999

Examiner: M. Vargot

For: MOLD APPARATUS AND METHOD

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, DC 20231

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Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed June 5, 2002 (Paper No. 17), Applicants hereby provisionally elect Group I, claims 3, 4, 12-14, and 17-20 for continued examination with traverse.

The Examiner has required restriction between:

Group I, claims 3, 4, 12-14, and 17-20, drawn to a method and mold to make optical elements; and

Group II, claims 5, 7-9, 15 and 16, drawn to a method and mold to make optical elements.

The Commissioner may require restriction if two or more independent and distinct inventions are claimed in one application (35 U.S.C. §121). M.P.E.P. § 803,

however, directs as follows (emphasis added): "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." In the instant application, the number of claims are limited and the search for both groups appear to be within the same class. It is respectfully submitted that examining the entire application would not pose a serious burden. Accordingly, the Examiner is requested to withdraw the outstanding restriction requirement and examine the entire application.

Applicants file herewith a one month petition for extension of time. Applicants hereby petition for any further extension of time which may be necessary to maintain the pendency of this application and have this amendment considered. Applicants authorize the Commissioner to charge our deposit account No. 04-1073 (under order No. M3477.0000/P010) for any fees deemed necessary to have this amendment considered.

Dated: August 5, 2002

Respectfully submitted,

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